

Remarks

The Office Action mailed October 19, 2005 has been carefully reviewed and the following remarks have been made in consequence thereof.

Claims 1-50 are now pending in this application. Claims 1-46 are rejected. Claims 47-50 have been newly added. Claims 1-12, 23, 24, 32, and 44 have been amended. No new matter has been added. A fee calculation sheet is submitted herewith for the newly added claims.

The rejection of Claims 1-46 under 35 U.S.C. § 102(e) as being obvious over Cravo de Almeida et al. (U.S. Patent Application Publication No. 2002/0169871), referred to as Cravo, in view of Conway (U.S. Patent No. 6,665,822) is respectfully traversed.

Cravo describes a remote monitoring system including a local server (12). The local server executes an agent (24), which collects data that indicates an operating state of the local server, including configuration information and performance data (paragraph 27). The data provides a measure of how well the local server is performing its intended functions (paragraph 27). The agent automatically transmits the collected data using email, which conforms to a standard email protocol, to an email address associated with a monitor server (20) (paragraph 27). A timer module (48) within the local server can be configured in a selected one of possible data collection modes (paragraph 33). Each configuration mode is associated with a sampling period (204a, 204b) after which a data retriever (46) within the local server collects a new sample of the data from the local server (paragraph 33).

Conway describes a networking equipment that is coupled to a mail server (column 5, lines 7-10). The networking equipment includes a fan, a networking server, a router, a backplane switch, an alarm card, a power supply, and a power supply (column 5, lines 10-13). The components within the networking equipment are coupled together through the backplane switch (column 5, lines 14-16). A system management software resides within the networking server and functions to send an email message to the mail server upon detection of a problem with one or more of the components of the networking equipment (column 5, lines 22-26).

Claim 1 recites an e-mail-enabled automation control module (ACM) system comprising “an ACM; and an e-mail system electrically connected to said ACM that is configured to automatically control at least one device and that is coupled to a backplane, said e-mail system configured to perform at least one of sending e-mail messages from said ACM through a network, and receiving e-mail messages from the network.”

Neither Cravo nor Conway, considered alone or in combination, describe or suggest an e-mail-enabled automation control module as recited in Claim 1. Specifically, neither Cravo nor Conway, considered alone or in combination, describe or suggest an e-mail system electrically connected to the ACM that is configured to automatically control at least one device and that is coupled to a backplane, the e-mail system configured to perform at least one of sending e-mail messages from the ACM through a network, and receiving e-mail messages from the network. Rather, Cravo describes an email system, which conforms to a standard email protocol, for sending data from a local server to a monitor server. A description of the local server and the monitor server in Cravo does not describe or suggest the ACM configured to automatically control at least one device and that is coupled to a backplane. Conway describes a mail server coupled to networking equipment. The networking equipment includes a fan, a networking server, a router, a backplane switch, an alarm card, a power supply, and a power supply. The components within the networking equipment are coupled together through the backplane switch. A description of the backplane switch used to couple a plurality of components within the networking equipment does not describe or suggest the ACM configured to automatically control at least one device. A backplane switch does not control at least one device. Accordingly, neither Cravo nor Conway, considered alone or in combination, describe or suggest an e-mail system electrically connected to the ACM that is configured to automatically control at least one device and that is coupled to a backplane. For the reasons set forth above, Claim 1 is submitted to be patentable over Cravo in view of Conway.

Claims 2-11 depend, directly or indirectly, from independent Claim 1. When the recitations of Claims 2-11 are considered in combination with the recitations of

Claim 1, Applicants submit that Claims 2-11 likewise are patentable over Cravo in view of Conway.

Claim 12 recites a method for management and control of a first automation control module (ACM), the first ACM including an e-mail system electrically connected to the first ACM and a network, the method comprising “sending e-mail messages from the first ACM through the network using the e-mail system; receiving e-mail messages from the network using the e-mail system; and requesting, by the first ACM, information via the e-mail system from a second ACM, wherein the first ACM automatically controls a device and is coupled to a backplane.”

Neither Cravo nor Conway, considered alone or in combination, describe or suggest a method for management and control of a first automation control module as recited in Claim 12. Specifically, neither Cravo nor Conway, considered alone or in combination, describe or suggest requesting, by the first ACM, information via the e-mail system from a second ACM, where the first ACM automatically controls a device and is coupled to a backplane. Rather, Cravo describes an email system, which conforms to a standard email protocol, for sending data from a local server to a monitor server. A description of the local server and the monitor server in Cravo does not describe or suggest the first ACM that automatically controls a device and that is coupled to a backplane. Conway describes a mail server coupled to networking equipment. The networking equipment includes a fan, a networking server, a router, a backplane switch, an alarm card, a power supply, and a power supply. The components within the networking equipment are coupled together through the backplane switch. A description of the backplane switch used to couple a plurality of components within the networking equipment does not describe or suggest the first ACM that automatically controls a device. A backplane switch does not control at least one device. Accordingly, neither Cravo nor Conway, considered alone or in combination, describe or suggest requesting, by the first ACM, information via the e-mail system, where the first ACM automatically controls a device and is coupled to a backplane. For the reasons set forth above, Claim 12 is submitted to be patentable over Cravo in view of Conway.

Claims 13-22 depend, directly or indirectly, from independent Claim 12. When the recitations of Claims 13-22 are considered in combination with the

recitations of Claim 12, Applicants submit that Claims 13-22 likewise are patentable over Cravo in view of Conway.

Claim 23 recites a method for management and control of an automation control module (ACM) using an ACM system, the ACM system including a first ACM, a network, a general purpose computer electrically connected to the network, and an e-mail subsystem electrically connected to the first ACM and the network, the method comprising “sending e-mail messages from the first ACM through the network to the general purpose computer using the e-mail subsystem; receiving e-mail messages from the general purpose computer through the network using the e-mail subsystem; and requesting information via the e-mail subsystem from a second ACM, wherein said requesting information is performed by the first ACM that is configured to automatically control at least one device and that is coupled to a backplane.”

Neither Cravo nor Conway, considered alone or in combination, describe or suggest a method for management and control of an automation control module as recited in Claim 23. Specifically, neither Cravo nor Conway, considered alone or in combination, describe or suggest requesting information via the e-mail subsystem from a second ACM, where requesting information is performed by the first ACM that is configured to automatically control at least one device and that is coupled to a backplane. Rather, Cravo describes an email system, which conforms to a standard email protocol, for sending data from a local server to a monitor server. A description of the local server and the monitor server in Cravo does not describe or suggest the first ACM that is configured to automatically control at least one device and that is coupled to a backplane. Conway describes a mail server coupled to networking equipment. The networking equipment includes a fan, a networking server, a router, a backplane switch, an alarm card, a power supply, and a power supply. The components within the networking equipment are coupled together through the backplane switch. A description of the backplane switch used to couple a plurality of components within the networking equipment does not describe or suggest the first ACM that is configured to automatically control at least one device. A backplane switch does not control at least one device. Accordingly, neither Cravo nor Conway, considered alone or in combination, describe or suggest requesting information via the e-mail subsystem, where requesting information is performed by the first ACM that is

configured to automatically control at least one device and that is coupled to a backplane. For the reasons set forth above, Claim 23 is submitted to be patentable over Cravo in view of Conway.

Claims 24-31 depend from independent Claim 23. When the recitations of Claims 24-31 are considered in combination with the recitations of Claim 23, Applicants submit that Claims 24-31 likewise are patentable over Cravo in view of Conway.

Claim 32 recites an automation control module (ACM) system comprising “an ACM; a network; a general purpose computer electrically connected to said network; and an e-mail subsystem electrically connected to said network and said ACM, wherein said ACM is configured to automatically control at least one device and is coupled to a backplane, said e-mail subsystem configured to perform at least one of sending e-mail messages from said ACM through said network to said general purpose computer and receiving e-mail messages from said general purpose computer through said network.”

Neither Cravo nor Conway, considered alone or in combination, describe or suggest an automation control module (ACM) system as recited in Claim 32. Specifically, neither Cravo nor Conway, considered alone or in combination, describe or suggest an e-mail subsystem electrically connected to the network and the ACM, where the ACM is configured to automatically control at least one device and is coupled to a backplane, the e-mail subsystem configured to perform at least one of sending e-mail messages from the ACM through the network to the general purpose computer and receiving e-mail messages from the general purpose computer through the network. Rather, Cravo describes an email system, which conforms to a standard email protocol, for sending data from a local server to a monitor server. A description of the local server and the monitor server in Cravo does not describe or suggest the ACM that is configured to automatically control at least one device and that is coupled to a backplane. Conway describes a mail server coupled to networking equipment. The networking equipment includes a fan, a networking server, a router, a backplane switch, an alarm card, a power supply, and a power supply. The components within the networking equipment are coupled together through the backplane switch. A description of the backplane switch used to couple a plurality of

components within the networking equipment does not describe or suggest the ACM that is configured to automatically control at least one device. A backplane switch does not control at least one device. Accordingly, neither Cravo nor Conway, considered alone or in combination, describe or suggest an e-mail subsystem electrically connected to the network and the ACM, where the ACM is configured to automatically control at least one device and is coupled to a backplane. For the reasons set forth above, Claim 32 is submitted to be patentable over Cravo in view of Conway.

Claims 33-46 depend, directly or indirectly, from independent Claim 32. When the recitations of Claims 33-46 are considered in combination with the recitations of Claim 32, Applicants submit that Claims 33-46 likewise are patentable over Cravo in view of Conway.

For at least the reasons set forth above, Applicants respectfully request that the Section 103 rejection of Claims 1-46 be withdrawn.

Moreover, Applicants respectfully submit that the Section 103 rejection of Claims 1-46 is not a proper rejection. As is well established, obviousness cannot be established by combining the teachings of the cited art to produce the claimed invention, absent some teaching, suggestion, or incentive supporting the combination. Neither Cravo nor Conway, considered alone or in combination, describe or suggest considered alone or in combination, describe or suggest the claimed combination. Furthermore, in contrast to the assertion within the Office Action, Applicants respectfully submit that it would not be obvious to one skilled in the art to combine Cravo with Conway because there is no motivation to combine the references suggested in the cited art itself.

As the Federal Circuit has recognized, obviousness is not established merely by combining references having different individual elements of pending claims. Ex parte Levengood, 28 U.S.P.Q.2d 1300 (Bd. Pat. App. & Inter. 1993). MPEP 2143.01. Rather, there must be some suggestion, outside of Applicants' disclosure, in the prior art to combine such references, and a reasonable expectation of success must be both found in the prior art, and not based on Applicants' disclosure. In re Vaeck, 20 U.S.P.Q.2d 1436 (Fed. Cir. 1991). In the present case, neither a suggestion or

motivation to combine the prior art disclosures, nor any reasonable expectation of success has been shown.

Furthermore, it is impermissible to use the claimed invention as an instruction manual or "template" to piece together the teachings of the cited art so that the claimed invention is rendered obvious. Specifically, one cannot use hindsight reconstruction to pick and choose among isolated disclosures in the art to deprecate the claimed invention. Further, it is impermissible to pick and choose from any one reference only so much of it as will support a given position, to the exclusion of other parts necessary to the full appreciation of what such reference fairly suggests to one of ordinary skill in the art. The present Section 103 rejection is based on a combination of teachings selected from multiple patents in an attempt to arrive at the claimed invention. Specifically, Cravo teaches an email system, which conforms to a standard email protocol, for sending data from a local server to a monitor server. Conway teaches a mail server coupled to networking equipment. The networking equipment includes a fan, a networking server, a router, a backplane switch, an alarm card, a power supply, and a power supply. The components within the networking equipment are coupled together through the backplane switch. Since there is no teaching nor suggestion in the cited art for the combination, the Section 103 rejection appears to be based on a hindsight reconstruction in which isolated disclosures have been picked and chosen in an attempt to deprecate the present invention. Of course, such a combination is impermissible, and for this reason alone, Applicants request that the Section 103 rejections of Claims 1-46 be withdrawn.

For at least the reasons set forth above, Applicants respectfully request that the Section 103 rejection of Claims 1-46 be withdrawn.

Newly added Claims 47-50 depend from independent Claim 1, which is submitted to be in condition for allowance and is patentable over the cited art. For at least the reasons set forth above, Applicants respectfully submit that Claims 47-50 are also patentable over the cited art.

In view of the foregoing amendment and remarks, all the claims now active in this application are believed to be in condition for allowance. Reconsideration and favorable action is respectfully solicited.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Michael Tersillo", written over a horizontal line.

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